

Application No.: 09/655,394

REMARKS

The indication of allowable subject matter in claims 7, 9, 12, 14, 15 and 17 is acknowledged and appreciated. In view of the following remarks, it is respectfully submitted that all claims are in condition for allowance.

Claims 1, 8, 10, 11, 13 and 16 stand rejected under 35 U.S.C. § 102 as being anticipated by Yanagihara. This rejection is respectfully traversed for the following reasons.

In the pending rejection, the Examiner identifies *structural* elements of Yanagihara that allegedly correspond to the claimed elements of the present invention, but does not identify how the elements of Yanagihara allegedly perform the recited functions and are arranged in the recited interrelationships set forth in the pending claims. Indeed, it is noted that the Examiner groups claims 11 and 16, drawn to a data *receiver*, with the *transmitter* claims without differentiating therebetween. Generally speaking, the Examiner does not address each and every limitation (including functional and structural interrelationships) of each and every claim.

In imposing a rejection under 35 U.S.C. §102, the Examiner is required to point to "page and line" wherein an applied reference is perceived to identically disclose *each* feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinensabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). In the instant case, it is respectfully submitted that the Examiner has failed to satisfy this requirement regarding the recited functions and arrangements of the claimed elements for *each* of the pending claims.

In any event, it is respectfully submitted that Yanagihara is at best cumulative to the admitted prior art ("APA") described on pages 1-2 of Applicants' specification. The Examiner

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interprets elements 4,5,204 of Yanagihara as the claimed "time stamp detector" and elements 12, 209 as the claimed "time stamp adding unit." However, according to an exemplary embodiment of the present invention, the claimed "time stamp adding unit" embodies adding the value of the reference time stamp *received from the broadcast station* to the transport packet, so that its value is unchanged (*see, e.g.*, Fig. 2A and page 5, lines 15-26 of Applicants' specification). In direct contrast, Yanagihara expressly discloses comparing the captured PCR value supplied from circuit 4 and a counter value supplied from counter 7 in subtractor circuit 9, by which PLL circuit 5 produces a 27MHz system clock, and whereby PCR Restamping circuit 12 replaces the PCR data with the PCR' data (*see* col. 7, lines 34-67 of Yanagihara). That is, Yanagihara replaces the PCR data received from the alleged broadcast station with a replacement stamp PCR'. Accordingly, Yanagihara adds the replacement stamp PCR' to the alleged transport packet, rather than the stamp received from the alleged broadcast station as embodied by the corresponding claims. In this regard, similar to APA, Yanagihara relies on a PLL circuit 5; whereas the present invention can eliminate the use of a PLL circuit (*see* page 2, lines 25-26 of Applicants' specification).

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Yanagihara does not anticipate the independent claims, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are

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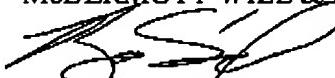
contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP



Ramyar M. Farid
Registration No. 46,692

Please recognize our Customer No. 20277
as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:men
Facsimile: 202.756.8087
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